HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

First Appeal No.95 of 2007

Appellant Plaintiff

Vasu Deo Madhu, aged about 25 years son of Late Buddheshwar Madhu, occupation-Labourer, resident of-Viacy Colony, Dharamjaigarh, Tahsil-Dharamjaigarh, District Raigarh (C.G.)

versus

Respondents Defendants

1. State of Chhattisgarh, through-the Secretary, Department of Health and Family Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. Dr. Arjun Singh Thakur, son of Late Jagdeo Prasad Thakur, aged about 49 years, occupation-Doctor, Block Medical Officer, Government Hospital-Dharamjaigarh, Tah. Dharamjaigarh, Distt. Raigarh (C.G.)
   At present-under suspension, Head Quarter, Ambikapur, Surguja through-the Chief Medical and Health Officer, Govt. Hospital, Distt. Surguja (C.G.)

First appeal under Section 96 of the Code of Civil Procedure, 1908

Present :
Shri A. N. Bhakta, counsel for the appellant.
Shri Akhil Agrawal, P.L. for the State/respondent No.1.

ORAL ORDER
(Passed on 13th August, 2007)

Heard on admission.

(2) The appellant/plaintiff is aggrieved by the judgment and decree dated 18-07-2007 passed by the First Additional District Judge, Raigarh (C.G.) in Civil Suit No.12-B/2006 whereby the suit for awarding compensation of Rs.50,000/- on the ground of negligence/omission of the respondent No.2 in treating the father of the appellant/plaintiff was dismissed.

(3) It is not disputed by learned counsel for the appellant that Buddheshwar Madhu, the father of the appellant/plaintiff had consumed

poison in excessive quantity on 16-05-2005 and on the same day he was admitted to the Govt. Hospital, Dharamjaigarh.

(4) The appellant/plaintiff had pleaded that death of his father was as a result of omission by the respondent No.2 in giving immediate treatment.

(5) The respondent No.2 had deposed that Buddheshwar Madhu was admitted at about 08.45 P.M. in a very critical condition due to excessive consumption, poison having spread all over his body. His testimony in para 3 is wholly unrebutted that he provided immediate treatment and had done suction of the contents of the stomach as also the throat as also given every possible treatment to the best of his ability. The evidence of respondent No.2 is also supported by Dashkand Sendre D.W. 2.

(6) The learned First Additional District Judge, Raigarh has upon proper appreciation of the evidence led by the parties recorded a finding that the appellant/plaintiff having failed to prove negligence was disentitled to compensation. In my considered opinion, the finding recorded by the First Additional District Judge, Raigarh is impeccable. It is not borne out from the evidence led by the parties that there was any deliberate omission or delay on the part of the respondent No.2 in giving treatment to the father of the appellant/plaintiff who died due to consumption of excessive quantity of poison.

(7) No ground for interference in the impugned judgment and decree is seen.

(8) In the result, the appeal is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane